

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAURIE LEMLEY,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 2:13-CV-0299-JTR

ORDER GRANTING MOTION FOR
LEAVE TO WITHDRAW AND
ORDER DENYING PLAINTIFF'S
SECOND MOTION FOR
RECONSIDERATION

BEFORE THE COURT is a motion for leave to withdraw by counsel of record for Plaintiff, ECF No. 51, and Plaintiff's **Second** Motion for Reconsideration of the Court's order granting summary judgment in favor of Defendant. ECF No. 50. Plaintiff has been represented in this case by Dustin Deissner. Defendant is represented by Jeffrey E. Staples, Special Assistant United States Attorney. The parties have consented to proceed before a magistrate judge. ECF No. 7.

1. Motion to Withdraw

Counsel for Plaintiff, Mr. Deissner, seeks to withdraw as retained counsel for Plaintiff given the conclusion of the scope of his agreed upon representation, pursuing a motion for reconsideration. ECF No. 51.

Pursuant to this Court's Local Rule 83.2(d), a motion for leave to withdraw must demonstrate good cause for the withdrawal. LR 83.2(d)(4). The Court finds

1 that good cause has been demonstrated in this case. Mr. Deissner's motion to
2 withdraw as counsel of record for Plaintiff is granted and Plaintiff shall proceed in
3 this matter *pro se*.

4 **2. Second Motion for Reconsideration**

5 On April 29, 2014, Plaintiff, through counsel, moved the Court to reconsider
6 the Court's April 15, 2014 order finding the ALJ's decision in this matter was
7 supported by substantial evidence and free of error. ECF No. 46. On May 27,
8 2014, the Court denied Plaintiff's motion for reconsideration finding Plaintiff
9 failed to provide a proper basis for the Court to reconsider the order under Rule 59
10 or Rule 60(b). ECF No. 48. On June 9, 2014, Plaintiff filed the instant motion for
11 reconsideration *pro se*, requesting that the Court again reconsider the Court's April
12 15, 2014 order. ECF No. 50.

13 Under Rule 59(e), a motion for reconsideration may be granted only on one
14 of four grounds, "1) the motion is necessary to correct manifest errors of law or
15 fact upon which the judgment is based; 2) the moving party presents newly
16 discovered or previously unavailable evidence; 3) the motion is necessary to
17 prevent manifest injustice or 4) there is an intervening change in controlling law." *Turner v. Burlington N. Santa Fe R.R. Co.*, 338 F.3d 1058, 1063 (9th Cir. 2003)
18 (internal quotations and emphasis omitted). Motions for reconsideration are
19 disfavored and are not the place for parties to make new arguments not previously
20 raised, *Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925–
21 926 (9th Cir. 1988), and reconsideration is not to be used to ask the Court to
22 "rethink what the court has already thought through—rightly or wrongly," *United*
23 *States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D.Ariz. 1998) (quoting *Above the*
24 *Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D.Va. 1983)).

25 The Court has reviewed Plaintiff's motion and finds he has not stated new
26 facts, a change in intervening law, a clear error or manifestly unjust ruling, or any
27 other unusual circumstance justifying reconsideration. Therefore, Plaintiff has
28

1 again failed to provide a proper basis for a reconsideration of the April 15, 2014
2 order. Plaintiff's Second Motion for Reconsideration shall be denied.

3 No further motions relating to Plaintiff's disagreement with the Court's
4 April 15, 2014 order or relating to Plaintiff's disagreement with the Court's denials
5 of his motions for reconsideration will be considered. Plaintiff may be subject to
6 Rule 11 sanctions should he file any further frivolous motions in this case. *See*
7 *Orange Prod. Credit Ass'n v. Frontline Ventures Ltd.*, 792 F.2d 797, 800 (9th Cir.
8 1986) (finding that sanctions are appropriate when a pleading which has been filed
9 is frivolous, legally unreasonable, or without factual foundation).

10 Based on the foregoing, **IT IS HEREBY ORDERED** as follows:

11 1. Mr. Deissner's Motion for Leave to Withdraw, **ECF No. 51**, is
12 **GRANTED**. Plaintiff shall proceed in this matter *pro se*.

13 2. Plaintiff's Second Motion for Reconsideration, **ECF No. 50**, is
14 **DENIED**.

15 The District Court Executive is directed to file this Order and provide copies
16 to Plaintiff and counsel for Defendant.

17 DATED June 10, 2014.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE